

September 17, 2015

A regular meeting of the Town Board of Harrison, Westchester County New York was held at the Municipal Building, 1 Heineman Place, Harrison, NY, Westchester County, on Thursday September 17, 2015 at 7:30 PM Eastern Standard Time. All members having received due notice of said meeting:

MEMBERS PRESENT:

Ronald Belmont .....Supervisor

Marlane Amelio .....)

Joseph Cannella ..... ).....Councilpersons

Stephen Malfitano ..... )

Fred Sciliano .....)

ALSO ATTENDING:

Frank Allegretti.....Town Attorney

Jonathan Kraut.....Village Attorney

Maureen MacKenzie.....Comptroller

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ACCEPTANCE OF CORRESPONDENCE AND REPORTS

On motion of Councilman Cannella, seconded by Councilwoman Amelio,  
it was

RESOLVED to accept the following correspondence and reports:

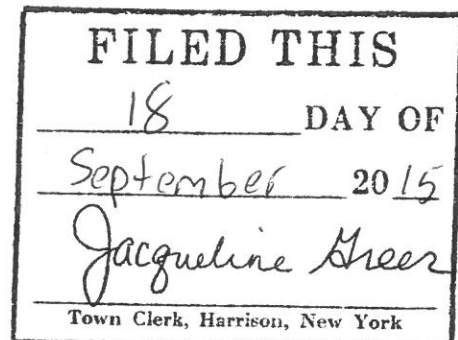
1. Monthly report by the Fire Marshal for August 2015.
2. Monthly report by the Building Inspector for August 2015.
3. Monthly report by the Receiver of Taxes for August 2015.
4. Monthly report by the Town Clerk for August 2015.
5. Monthly report by the Chief of Police for June 2015.

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None



September 17, 2015

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CONTINUATION OF PUBLIC HEARING RE: MODIFICATION OF THE PB  
DISTRICT REGULATIONS FOR THE CALVERT STREET CORRIDOR TO PERMIT  
CONSTRUCTION OF A FOUR STORY RESIDENTIAL DWELLING WITH  
RESIDENTIAL UNITS ON ALL FLOORS

On motion of Councilman Cannella, seconded by Councilman Malfitano, the hearing was opened.

Supervisor Belmont explained that this was a continuation of the Public Hearing on the modification of the PB District Zoning Ordinance for the Calvert Street Corridor.

Harrison resident Robert Porto spoke on being opposed to this zoning ordinance change because he did not want Harrison to lose its small town feel and in his opinion he thought the town is being overdeveloped.

Harrison resident Karen Moro spoke on being opposed to the zoning ordinance because she thought there is too much development being planned and it is going to have an impact on the schools.

Harrison resident Elizabeth Pritchard spoke about her concern regarding parking, traffic and the possible construction that the zoning ordinance change would bring about.

Debbie Nye a property owner in the proposed area spoke in favor of the zoning ordinance change and discussed the merits of the change and her perception of how it would improve the area. She asked the Board to please consider the zoning ordinance change.

Harrison resident Lucille Held spoke against the proposed zoning ordinance and strongly urged the Board to stop the overdevelopment in Harrison.

Harrison resident John Voetsch said he was speaking on behalf of himself and five or six people who own property on Calvert Street. He spoke in favor of the zoning ordinance change. He addressed the Board and explained that the property owners are looking to revitalize the area near the train station.

Supervisor Belmont addressed the Board. He discussed and opined that Harrison was made up of diverse neighborhoods and all deserve nothing but the best. The neighborhoods that surround Purdy Street are different than the neighborhoods that surround Calvert Street. Calvert Street has single family homes backing up to it. There aren't any single family homes on Purdy Street. The Board agrees that four stories on Calvert Street may be good on the south side of the street along the railroad tracks. However on the north side it is a different story. The Planning Board has a three page document and I tend to

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agree with everything that they said; there are exceptions that can be made with each individual property and I think we should go with the recommendations of the Planning Board.

Councilman Malfitano said I think we need to deliberate and discuss this among ourselves.

Village Attorney Kraut said you could close the hearing and deliberate but what you would not be able to do is make the legislation more expansive and permissive.

Harrison resident John Voetsch said that this all came out of left field that this Board was not going to have an open mind on the four floor construction.

Councilman Cannella said there are a number of people that expressed concern about a blanket zoning change in the district as you defined it. As we discussed at the previous meeting and the Planning Board even talked about the transition into the residential area. The side of the street along Metro North is not as sensitive as the other.

Harrison resident John Voetsch you have a provision in your zoning code and this is a Special Exception Use. What this means is that the Board looks at each individual project separately. That is what I'm asking you to do.

Village Attorney Kraut said the answer is not that simple; yes it is a Special Exception Use that ultimately each property would come back to this Board however by applicability of New York State Case Law a Special Exception Use Permit is a determination that it is appropriate in that location.

Harrison resident John Voetsch said it is not going to hurt anybody with approving four floors and 45 feet. There are already apartment houses; none of the neighbors have come here to complain and they were notified.

Harrison resident Rob Porto requested that the Board keep the Public Hearing open.

Harrison resident Anja Porto also requested that the Board keep the Public Hearing open and not the rush to make a decision.

Councilman Malfitano suggested a timeframe be discussed. He assumed that at some point the Board would come to some sort of agreement on this. He thought it would happen quickly. He assumed that the Board, in the next two months, would reach some conclusion on the zoning ordinance change. He opined that there was some idea given tonight that this Board is accepting of the change in zoning for the properties along Calvert Street that are on the south side of the street abutting Metro North. He suggested

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that there will be a period of time that the Board needs to deliberate on this. We then will go back to the law department with what is proposed, in draft, amendments to the zoning code. This will take time and we would have to have a public hearing on it.

Village Attorney Kraut explained that if the Board decides to eliminate some of the requests but make it essentially more restrictive than what the applicant asked for, the Board can do that without a re-hearing. If the Board made changes that were more expansive than the Board would need another hearing.

Councilman Cannella said he'd spoken to every member of the Board on this and there are differences. There is no stamp of approval on this. An applicant does have the right to come to us with a proposal and we have an obligation to deliberate. There is not a consensus on the Board on where we are going to come out on this. I think we should not close the public hearing, but adjourn it until we deliberate and come to a consensus.

Village Attorney Kraut recommended that the Board should adjourn the hearing and schedule it to continue on a specific date.

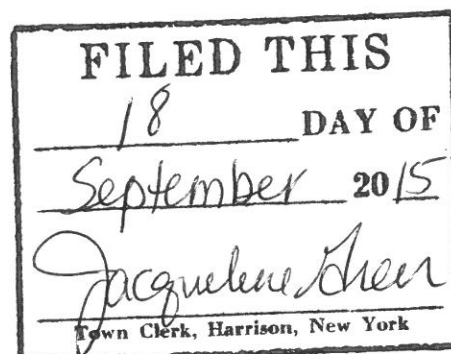
Harrison resident John Voetsch, who was visibly disturbed told the Board this project had been going on for 14 months. He stated that it is unheard of for this to take so long. To hear the Board once again say that they wanted to adjourn this over and over is an insult to everyone who is involved in the petition and to Harrison residents. He said he was withdrawing the petition.

Village Attorney Kraut said the legislative function is purely discretionary. When a petitioner brings a petition to the Board the Board has no obligation to hear it. The Board could have said we are not interested. Once the Board decides to accept the petition and begin the hearing process that legislative change is the Board's. As a matter of process it is not the petitioners ability to withdraw it. It is the Board's decision.

Councilman Cannella asked the Board if anyone had an objection to keep the hearing opened and all members replied they did not.

Councilman Cannella made a motion to adjourn this Public Hearing until the November 18<sup>th</sup> meeting.

Councilman Malfitano seconded the motion.



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AUTHORIZATION TO ADD MATT ALLEGRETTI TO THE PART TIME  
AVAILABILITY LIST FOR THE RECREATION DEPARTMENT

On motion of Councilwoman Amelio, seconded by Councilman Malfitano,

it was

RESOLVED to accept the request by Personnel Manager Debra Scocchera to add Matt Allegretti to the Part-Time Availability List for the Recreation Department at an hourly rate of \$7.14, effective Monday, September 21, 2015.

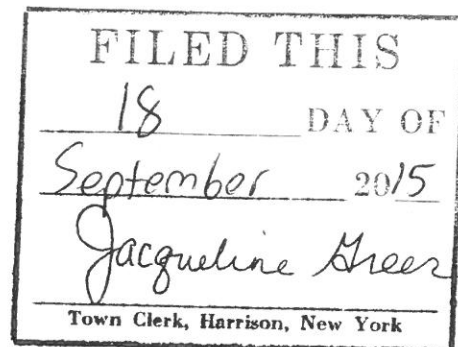
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Personnel Manager and the Superintendent of Recreation.

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None



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AUTHORIZATION FOR TOWN ENGINEER MICHAEL AMODEO TO ATTEND  
THE NEW JERSEY ASSOCIATION OF FLOODPLAIN MANAGERS  
ANNUAL CONFERENCE

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to accept the request by Town Engineer Michael Amodeo for authorization to attend the New Jersey Association of Floodplain Managers Annual Conference to be held in Atlantic City, New Jersey from October 20<sup>th</sup> through October 22<sup>nd</sup>, 2015 at a cost not to exceed \$750.00. Funding for this conference is available in the Engineering Department Operating Budget.

FURTHER RESOLVED to accept the request for the Town Engineer to use a Town Vehicle to and from the event.

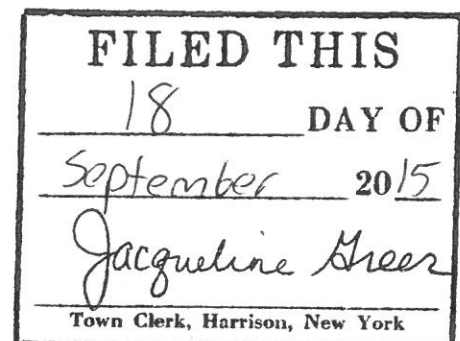
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, and the Town Engineer.

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None



September 17, 2015

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AUTHORIZATION FOR COURT CLERK JACQUELINE RICCIARDI  
TO APPLY FOR GRANT MONEY FROM THE 2015  
JUSTICE COURT ASSISTANCE PROGRAM

On motion of Councilwoman Amelio, seconded by Councilman Malfitano,

it was

RESOLVED to accept the request by Court Clerk Jacqueline Ricciardi for authorization to apply for up to \$30,000.00 in grant money from the 2015 Justice Court Assistance Program (JCAP). Said monies, should the grant be approved, would be used for various upgrades to the Court Clerk's Office and the Court Room.

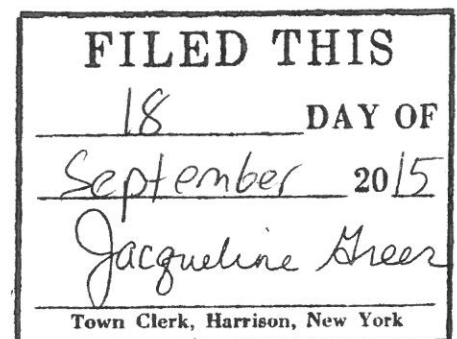
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, and the Court Clerk.

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None





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AUTHORIZATION FOR CHIEF OF POLICE ANTHONY MARRACCINI TO  
REGISTER DEPARTMENT MEMBERS FOR THE FOLLOWING  
HIGH INTENSITY DRUG TRAFFICKING AREA COURSES

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to accept the request by Chief of Police Anthony Marraccini for authorization to register department members for the following High Intensity Drug Trafficking Area (HIDTA) courses from November 4<sup>th</sup> through November 19<sup>th</sup> 2015:

Narcotics Investigations 101	11/4/15-11/5/15	Edison, NJ
Traffic Stops & Recognizing Drug Activity	11/19/15	Massapequa, NY

Total registration cost for these courses is \$440.00.

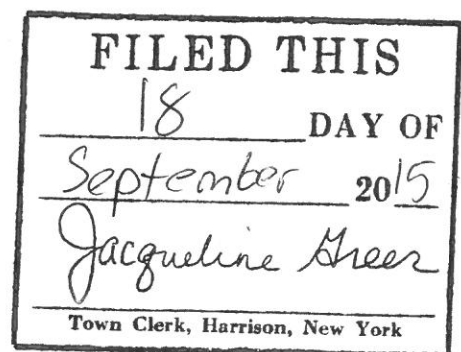
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, and the Chief Police.

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None



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AUTHORIZATION FOR CHIEF OF POLICE ANTHONY MARRACCINI TO  
REGISTER DEPARTMENT MEMBERS FOR THE SOCIAL MEDIA AND  
COMMUNITY OUTREACH TRAINING SEMINAR

On motion of Councilman Malfitano, seconded by Councilman Cannella,

it was

RESOLVED to accept the request by Chief of Police Anthony Marraccini for authorization to register department members for the Social Media and Community Outreach Training Seminar in Abington, PA from November 9<sup>th</sup> through November 11<sup>th</sup> 2015. Total registration cost for this course is \$1,894.00.

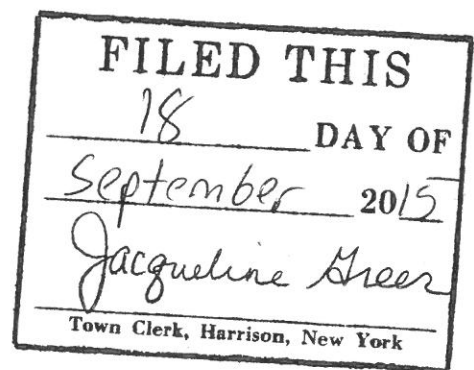
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, and the Chief Police.

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None



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AUTHORIZATION FOR CHIEF OF POLICE ANTHONY MARRACCINI  
TO REGISTER DEPARTMENT MEMBERS FOR THE  
GLOCK ARMOR TRAINING COURSE

On motion of Councilman Cannella, seconded by Councilman Malfitano,

it was

RESOLVED to accept the request by Chief of Police Anthony Marraccini for authorization to register department members for the Glock Armor Training Course on November 11<sup>th</sup> 2015 in Cortlandt Manor, NY. The total registration cost for these courses is \$750.00.

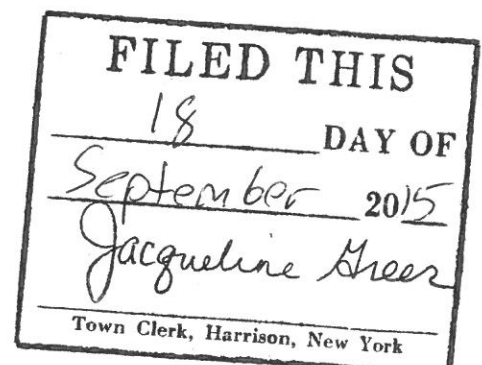
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, and the Chief Police.

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None



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NOTIFICATION BY SUPERINTENDENT OF RECREATION GERRY SALVO OF  
THE FOLLOWING "IT'S GREAT TO LIVE IN HARRISON DAY"  
WEEKEND FESTIVITIES

10/10/15	<b>Fireworks/Concert</b> 7:00 PM (West Harrison Fire Department)
10/11/15	<b>Open House</b> 10-2 PM (Harrison Police Headquarters)
	<b>P.B.A. Car Show</b> 10-4 PM (West Harrison Business District)
10/12/15	<b>Parade</b> 10 AM
	<b>Festival</b> in Riis Park immediately following parade.

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AUTHORIZATION FOR A BUDGET TRANSFER

On motion of Councilwoman Amelio, seconded by Councilman Malfitano,

it was

RESOLVED to accept the request by Comptroller Maureen MacKenzie for the following Budget Transfers:

DECREASE:

001-1900-100-4490

Special Items Town Contingency \$10,500.00

001-1900-100-4436

Special Items Town Insurance Premiums \$2,358.00

INCREASE:

01-1440-100-407

Engineering Special Services \$12,858.00

To transfer monies in Special Items Budget Lines, to Engineering Special Service Budget line, to provide the additional monies needed to cover the costs of the Parkview Avenue Permanent Wall Stabilization Project.

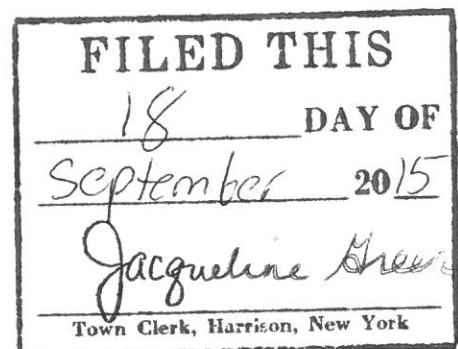
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, and the Town Engineer.

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None



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APPROVAL OF THE AWARD OF BID RECOMMENDATION FOR THE  
PARKVIEW AVENUE WALL PERMANENT STABILIZATION PROJECT TO  
PETER J. LANDI, INC.

On motion of Councilwoman Amelio, seconded by Councilman Malfitano,

it was

RESOLVED to accept the request by the Purchasing Department for approval of the Award of Bid Recommendation for the Parkview Avenue Wall Permanent Stabilization Project to Peter J. Landi, Inc., at a net bid price of \$80,858.00. Funding for this work is available in Engineering Special Service Account, 001-1440-100-04-07.

FURTHER RESOLVED to authorize the Law Department to prepare the contract and the Supervisor to execute the same.

FURTHER RESOLVED to authorize the Comptroller, upon receipt of claims to audit and upon audit the Supervisor is to pay same.

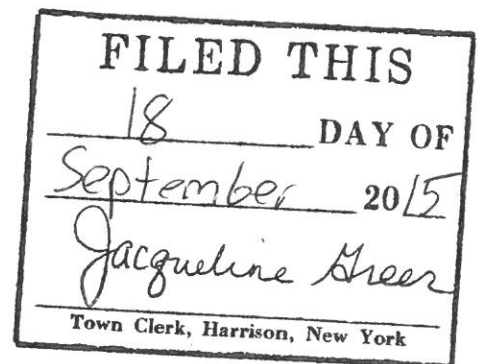
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Town Engineer, the Law Department and the Purchasing Department.

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None



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AUTHORIZATION TO ALLOW THE LAWNCHAIR SOCIETY MOVIE  
PRODUCTION TO FILM AT POLICE HEADQUARTERS

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to accept the request by Chief of Police Anthony Marraccini to allow The Lawnchair Society Movie Production to film at Police Headquarters for the movie "Assisted Living" on Saturday, October 3<sup>rd</sup>, 2015 from 6 AM to 4 PM. They will be making a donation in the amount of \$3,000.00 which will be utilized for spending at the discretion of the Chief of Police. Subject to signing an indemnification agreement.

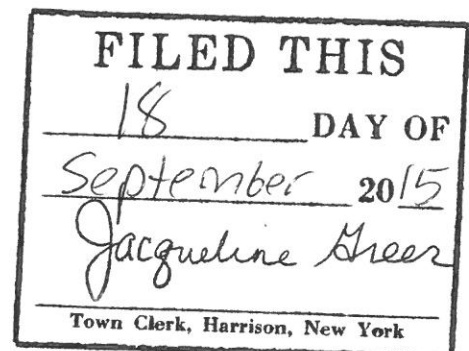
FURTHER RESOLVED to forward a copy of this Resolution to the Chief of Police and the Comptroller.

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None



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AUTHORIZATION TO ALLOW POSSIBLE PRODUCTIONS, INC.  
TO FILM AT POLICE HEADQUARTERS

On motion of Councilwoman Amelio, seconded by Councilman Malfitano,

it was

RESOLVED to accept the request by Chief of Police Anthony Marraccini to allow Possible Productions, Inc. to film at Police Headquarters for the movie "Billions" between the dates of Monday, October 5<sup>th</sup>, 2015 through Wednesday, October 7<sup>th</sup>, 2015. They will be making a donation in the amount of \$4,000.00 which will be utilized for spending at the discretion of the Chief of Police. Subject to signing an indemnification agreement.

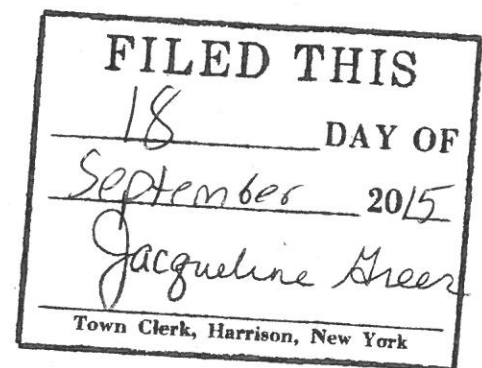
FURTHER RESOLVED to forward a copy of this Resolution to the Chief of Police and the Comptroller.

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None





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AUTHORIZATION TO ALLOW THE JARDEN WESTCHESTER TRIATHLON TO  
USE TOWN ROADWAYS FOR PART OF THE RACE ROUTE

On motion of Councilwoman Amelio, seconded by Councilman Malfitano,

it was

RESOLVED to accept the request by Eric Opdyke, Race Director for the Jarden Westchester Triathlon, for authorization to use the following roadways: Anderson Hill Rd, Lincoln Ave, Westchester Ave, Bowman Ave, Purchase St, and Highland Rd. Police officers are required at 25 posts during the bike portion of the triathlon taking place on Sunday September 27, 2015. Insurance has been submitted. Subject to signing an indemnification agreement.

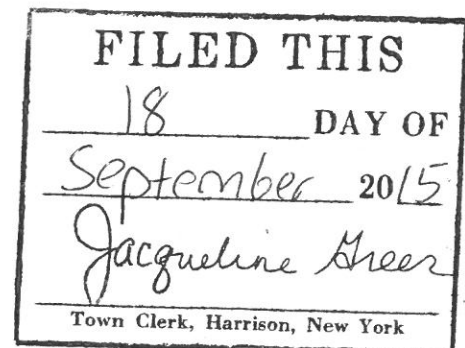
FURTHER RESOLVED to forward a copy of this Resolution to the Chief of Police and Mr. Opdyke.

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None



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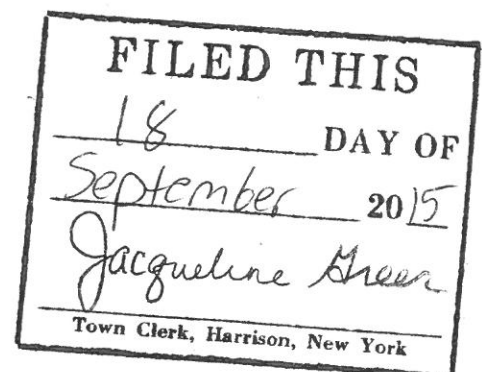
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MATTERS FOR EXECUTIVE SESSION

Litigation: 2  
Tax Certiorari: 2  
Advice of Counsel: 1  
Real Property: 1

On motion duly made and seconded,  
with all members voting in favor,  
the Meeting was recessed to Executive Session at 9:04 PM.

On motion duly made and seconded,  
with all members voting in favor,  
the Meeting was reconvened at 10:03 PM.



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AUTHORIZATION TO SETTLE THE TAX CERTIORARI IN THE MATTER OF  
3000, 3010, AND 3020 WESTCHESTER AVENUE ASSOCIATION

On motion of Councilman Sciliano, seconded by Councilman Malfitano,

it was

RESOLVED to settle the Tax Certiorari in the matter of 3000, 3010, and 3020  
Westchester Avenue Association.

Assessment Year	Assessed Value	Reduction	Reduced Assessed Value
2008	\$331,900	0	\$331,900
2009	\$331,900	0	\$331,900
2010	\$331,900	0	\$331,900
2011	\$331,900	0	\$331,900
2012	\$331,900	\$32,660	\$299,240
2013	\$331,900	\$32,660	\$299,240
2014	\$331,900	\$32,660	\$299,240
2015	\$331,900	\$32,660	\$299,240

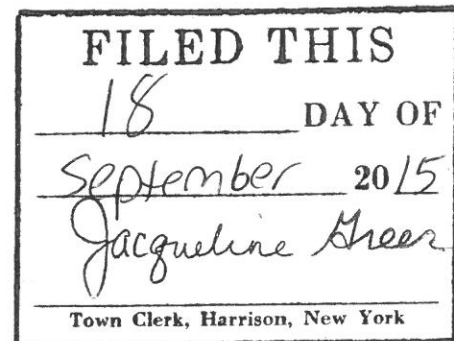
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the  
Assessor and the Law Department.

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None



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AUTHORIZATION TO SETTLE THE TAX CERTIORARI IN  
THE MATTER OF 67 GRANT AVENUE INC.

On motion of Councilman Cannella, seconded by Councilman Sciliano,

it was

RESOLVED to settle the Tax Certiorari in the matter of 67 Grant Avenue Inc.

Assessment Year	Assessed Value	Reduction	Reduced Assessed Value
2010	\$53,500	\$5,200	\$48,300
2011	\$53,500	\$1,500	\$52,000
2012	\$53,500	\$3,500	\$50,000
2013	\$53,500	\$4,000	\$49,500
2014	\$53,500	\$4,500	\$49,000
2015	\$53,500	\$4,500	\$49,000

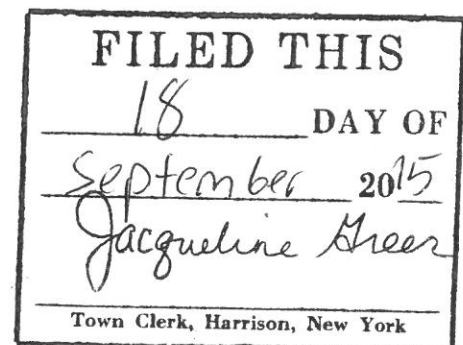
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Assessor and the Law Department.

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None



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AUTHORIZATION TO RAISE THE CAP ON LEGAL FEES IN THE MATTER OF  
STAGNO V TOWN OF HARRISON

On motion of Councilman Sciliano, seconded by Councilwoman Amelio,

it was

RESOLVED to raise the cap on legal fees in the matter of Stagno v the Town of Harrison to \$40,000.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Law Department.

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None

There being no further matters to come before the Board,  
the Meeting was, on motion duly made and seconded,  
declared closed at 10:04 PM.

Respectfully submitted,

Jacqueline Greer  
Town Clerk

